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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/575,403   | 04/10/2006  | Mark Alan Graham     | 7175-79466          | 9359             |
| 23643 7590 09/08/2009<br>BARNES & THORNBURG LLP<br>11 SOUTH MERIDIAN<br>INDIANAPOLIS, IN 46204 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| BAXTER, GWENDOLYN WRENN  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 3632   |             |                      |                     |                  |
| NOTIFICATION DATE  |             | DELIVERY MODE        |                     |                  |
| 09/08/2009   |             | ELECTRONIC           |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

indocket@btlaw.com

### Office Action Summary

**Application No.**

10/575,403

**Applicant(s)**

GRAHAM ET AL.

**Examiner**

Gwendolyn Baxter

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8 and 18-25 is/are rejected.
- 7) ☒ Claim(s) 2, 9-17, 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

This is the second Office action for application serial number 10/575,403, Equipment Support Having Rotatable Bumpers and Hooks filed April 10, 2006. Claims 1-25, and 27 are pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,703,265 to Wolfe. The present invention reads on Wolfe as follows: Wolfe teaches a patient care equipment support comprising an equipment supporting portion (33), at least one member (29) and a coupler (35). The equipment supporting portion is configured to support patient care equipment. The at least one member is rotatably coupled to the equipment supporting portion. The coupler is coupled to the equipment supporting portion and extending generally downwardly therefrom.

Claims 1, 3, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,865,757 to Honsowetz. The present invention reads on Honsowetz teaches a patient care equipment support comprising an equipment supporting portion (15, 16, 17), at least one member (18) and a coupler (10, 11). The equipment supporting portion is configured to support patient care equipment. The at least one member is rotatably coupled to the equipment supporting portion. The coupler is

coupled to the equipment supporting portion and extending generally downwardly therefrom. The at least one member comprises an arm (18) pivotally coupled to the equipment supporting portion, and the arm is configured to support at least one IV container. The at least one member comprises a pair of arms (18) pivotally coupled to the equipment supporting portion adjacent to opposite ends thereof, and each arm is configured to support at least one IV container. The equipment supporting portion defines a recess (20), and each arm is movable between a retracted position (see fig. 5) within the recess and an extended position (see fig. 1 and 2) outside the recess.

Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,585,206 to Metz et al. The present invention reads on Metz as follows: Metz teaches a patient care equipment support comprises an equipment supporting portion (23) configured to support patient care equipment. At least one member (230) is rotatably coupled to the equipment supporting portion, wherein the at least one member comprises a roller bumper (242) rotatably coupled to the equipment supporting portion, and the roller bumper has a peripheral portion that extends horizontally beyond the equipment supporting portion.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metz et al. Metz teaches the limitations of the base claim. Additionally, Metz teaches the equipment supporting portion has upper and lower members (72, 74). The roller bumpers are coupled to the upper member adjacent to opposite ends thereof. Each roller bumper has a peripheral portion that extends horizontally beyond the outer periphery of the equipment supporting portion. However, Metz fails to teach a second roller bumper and a second roller bumper receiving space. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a second roller bumper and roller bumper receiving space, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Claims 6-8, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honsowetz in view of U.S. Patent No. 4,945,592 to Sims et al. Honsowetz teaches each hook portion comprises a disc (21), wherein each disc is circular in cross-section. However Honsowetz fails to teach the arms having a plurality of hook portions, wherein the disc is elliptical or oval in cross section.

Sims teaches arms (the top portion of 12). Each arm has a plurality of hook portions (not numbered) spaced there along to support a plurality of IV containers. The plurality of hook portions is spaced at equal increments along the length of the respective arm. Each arm has a plurality of outwardly extending portions extending outwardly, each outwardly extending portion carries a hook portion at a distal end

thereof. The hook portion extends above and below the outwardly extending portion in a common plane. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the arm as taught by Honsowetz to have incorporated the plurality of hooks as taught by Sims for the purpose of mounting a plurality of IV bags. Additionally, it would have been an obvious matter of design choice to have modified the disc shape as taught by Honsowetz, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art.

#### ***Allowable Subject Matter***

Claims 2, 9-17 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gwendolyn Baxter/  
Primary Examiner, Art Unit 3632  
September 1, 2009